



**Form 1.1 – Instructions
Request for Hearing
Financial Hardship Proceeding**
For hearings before the
Financial Services Tribunal

HOW TO REQUEST A HEARING

Use the attached **Form 1.1** to request a hearing before the Financial Services Tribunal about a proposed decision of the Superintendent of Financial Services if:

- you have applied to the Superintendent for consent to withdraw money from your Ontario locked-in retirement account, life income fund or locked-in retirement income fund **based on financial hardship**,
- the Superintendent has sent you a Notice of Proposal to Refuse to Consent to your application, and
- you want a hearing before the Financial Services Tribunal about the Superintendent's Notice of Proposal.

Complete the form and send it with any additional documents to the Registrar of the Financial Services Tribunal. The Registrar must receive the completed form **within 30 calendar days** after you receive the Superintendent's Notice of Proposal (see page 3 of these instructions for more information about calculating time). Send the completed form **by mail or fax** to:

The Registrar
Financial Services Tribunal
5160 Yonge Street
Box 85, 14th Floor
Toronto ON M2N 6L9
fax: (416) 226-7750

For more information about requesting a hearing or if you have any questions about your hearing, please contact the Registrar at (416) 590-7294 or toll free at 1-800-668-0128 ext. 7294

MANNER OF HEARING

Your hearing will be conducted as a written hearing unless you request and the Tribunal agrees, or the Tribunal orders, that your hearing be conducted in a different format.

Send all documents related to your hearing to the Registrar of the Financial Services Tribunal at the address above. The Registrar will send you copies of any documents related to your hearing that are sent to the Registrar by the Superintendent of Financial Services. **Do not send any documents to the Superintendent directly.**

At any time, the Financial Services Tribunal may require that you provide further information or documents in order to understand your hearing.

SUPERINTENDENT'S RESPONSE TO YOUR REQUEST FOR A HEARING

After receiving your request for a hearing, the Registrar will send a copy of it to the Superintendent. The Superintendent will respond to your request by completing a written *Superintendent's Response* (Form 1.2) and sending it to the Registrar within 14 calendar days after receiving your request.

APPLICANT'S REPLY TO THE SUPERINTENDENT'S RESPONSE

The Registrar will send you a copy of the *Superintendent's Response* and you may reply in writing to any of the matters or information set out in the *Superintendent's Response*. You will also receive a blank *Applicant's Reply Form 1.3*. You do not have to reply in order for your hearing to proceed.

To reply to the *Superintendent's Response*, complete the *Applicant's Reply* (Form 1.3) and send it to the Registrar at the address on page 1 of these instructions. The Registrar must receive your *Applicant's Reply* **within 14 calendar days** after you receive the *Superintendent's Response* (see page 3 of these instructions for more information about calculating time).

If you do not wish to reply to the *Superintendent's Response*, you can either do nothing about it or you can complete the *Applicant's Reply* (be sure to check the box that says "I do not wish to reply to the Superintendent's Response" on page 2 of the *Applicant's Reply*) and send it to the Registrar. Please note that if you do nothing about the *Superintendent's Response*, the Financial Services Tribunal must wait 14 calendar days from the date you were deemed to have received the *Superintendent's Response* before proceeding with your hearing (see page 3 of these instructions for more information about calculating time).

The Registrar will send a copy of any *Applicant's Reply* that you make to the Superintendent.

WITHDRAWAL OF A REQUEST FOR A HEARING

You can withdraw your request for a hearing at any time before the Financial Services Tribunal makes a decision and order by sending a letter requesting the withdrawal signed by you or your representative to the Tribunal Registrar.

ORDER OF THE FINANCIAL SERVICES TRIBUNAL

After the Financial Services Tribunal has received all of the documents related to your hearing or the time has expired for receipt of those documents, the Financial Services Tribunal will consider your case and make an order.

The order will be published by the Financial Services Tribunal and contain the relevant Financial Services Tribunal file number, but will not identify you by name or provide any other information by which you could be readily identified.

CONFIDENTIALITY OF INFORMATION

Any personal or financial information contained in the forms or other documents sent to or by the Registrar must be held in confidence by you, your representative, the Superintendent and the Financial Services Tribunal.

CALCULATING TIME

If the day that the Registrar is due to receive a document falls on a Saturday, Sunday or holiday, the due date for receipt of the document becomes the next day that is not a Saturday, Sunday or holiday.

If a document is received by the Registrar after 4:45 p.m., it will be deemed to have been received by the Registrar on the following day.

If a document is sent by first class mail, the person to whom the document is addressed will be deemed to have received the document on the seventh calendar day after the document is mailed.

SENDING DOCUMENTS BY FAX

If you send any document to the Registrar by fax, the fax **should** include a cover page indicating:

- the name, address and phone number of the sender,
- that the fax is being sent to the Registrar,
- the date and time the document is transmitted,
- the total number of pages transmitted including the cover page,
- the fax number from which the document is transmitted, and
- the name and phone number of a person to contact if problems arise with the transmission of the fax.

FOR MORE INFORMATION

For more information about requesting a hearing or if you have any questions about your hearing, please contact the Registrar of the Financial Services Tribunal at (416) 590-7294 or toll free at 1-800-668-0128 ext. 7294